

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:03-CR-68-MOC-SCR**

UNITED STATES OF AMERICA,)	
Plaintiff,)	
)	
v.)	
)	
JOHN WESTON,)	
Defendant,)	
and)	
)	
KATS BOTANICALS CORP.,)	
Garnishee.)	

ORDER OF CONTINUING GARNISHMENT

THIS MATTER is before the Court on the Government’s “Motion for Order of Continuing Garnishment” (Doc. No. 153) and Answer of Kats Botanicals Corp., as the Garnishee. (Doc. No. 152). Judgment in the criminal case was filed on October 17, 2003 (Doc. No. 67). As part of that Judgment, Defendant John Weston was ordered to pay an assessment of \$100.00 and restitution of \$246,303.00 to the victims of the crime. *Id.* The outstanding balance is \$194,779.05. (Doc. No. 153).

On March 1, 2023, the Court entered a Writ of Continuing Garnishment (“Writ”) (Doc. No. 149) as to the Garnishee, Kats Botanicals Corp. Defendant was served with the Writ and Instructions notifying him of his right to request a hearing on March 11, 2023, and June 6, 2023. The Garnishee was served with the Writ and Instructions on March 8, 2023. The Garnishee filed an Answer on March 21, 2023 (Doc. No. 152) stating that at the time of service of the Writ, the Garnishee had in its custody, control, or possession property or funds owned by the Defendant, including non-exempt, disposable earnings. The United States served the Answer on the

Defendant on April 25, 2023, and June 6, 2023. The Defendant did not request a hearing, and the statutory time to do so has elapsed.

IT IS THEREFORE ORDERED that the Government's "Motion for Order of Continuing Garnishment" (Doc. No. 153) is **GRANTED** and an Order of Continuing Garnishment is hereby **ENTERED** in the amount of \$194,779.05 computed through February 21, 2023. The Garnishee shall pay the Plaintiff, United States of America, up to the lesser of:

1. twenty-five percent (25%) of the Defendant's disposable earnings which remain after all deductions required by law have been withheld, or
2. the amount by which the Defendant's disposable earnings for each week exceed thirty (30) times the federal minimum wage.

See 15 U.S.C. § 1673(a). The Garnishee shall continue payments until the debt to the Plaintiff is paid in full or until the Garnishee no longer has custody, possession, or control of any property belonging to the Defendant or until further Order of this Court.

Payments should be made payable to the United States Clerk of Court and mailed to:

Clerk of the United States District Court
401 West Trade Street
Charlotte, North Carolina 28202

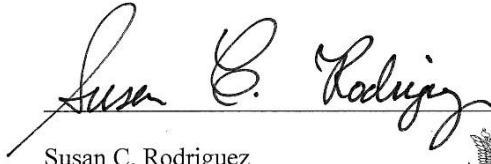
In order to ensure that each payment is credited properly, the following should be included on each check: Defendant John Weston DNCW3:03CR68-3.

IT IS FURTHER ORDERED that the Garnishee shall advise this Court if the Defendant's employment is terminated at any time by the Garnishee or the Defendant.

IT IS FURTHER ORDERED that the Plaintiff shall submit this debt to the Treasury for inclusion in the Treasury Offset Program. Under this program, any federal payment the Defendant would normally receive may be offset and applied to this debt.

SO ORDERED.

Signed: July 25, 2023


Susan C. Rodriguez
United States Magistrate Judge

